

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

SCOTT L. BALLERING,	)	CIV. NO. 20-00527 HG-KJM
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
MORGAN STANLEY LLC; MORGAN	)	
STANLEY SMITH BARNEY LLC;	)	
MORGAN STANLEY BANK NA; MORGAN	)	
STANLEY LLC; PHH MORTGAGE; JAMES	)	
GORMAN; ANIKA S. JONES; JOSEPH	)	
MILLER; LEIGH THERN; SUSAN	)	
SYKES; DANIEL KRAUSE; KATHLEEN	)	
LANG; SUE CIENKUS; JUSTIN	)	
LIPPINCOTT; ELIZABETH CORLEY;	)	
ALISTAIR DARLING; THOMAS H.	)	
GLOCER; ROBERT H. HERZ;	)	
NOBUYUKI HIRANO; SHELLY B.	)	
LEIBOWITZ; STEPHEN J. LUCZO;	)	
JAMI MISCIK; DENNIS M. NALLY;	)	
TAKESHI OGASAWARA; HUTHAM S.	)	
OLAYAN; MARY L. SCHAPIRO; PERRY	)	
M. TRAQUINA; and, RAYFORD	)	
WILKINS, JR.	)	
	)	
Defendants.	)	

**ORDER ADOPTING MAGISTRATE JUDGE'S AMENDED FINDINGS AND  
RECOMMENDATION, AS MODIFIED, TO DISMISS THE COMPLAINT AND DENY  
PLAINTIFF'S APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT  
PREPAYING FEES OR COSTS (ECF NO. 15)**

Findings and Recommendation having been filed and served on all parties on February 4, 2021, and no objections having been filed by any party,

IT IS HEREBY ORDERED AND ADJUDGED that, pursuant to Title 28, United States Code, Section 636(b)(1)(C) and Local Rule 74.2, the AMENDED FINDINGS AND RECOMMENDATION TO DISMISS THE COMPLAINT AND DENY PLAINTIFF'S APPLICATION TO PROCEED IN DISTRICT COURT

WITHOUT PAYING FEES OR COSTS (ECF No. 15) are adopted as the opinion and order of this Court with the following MODIFICATION:

On Page 1, on the twelfth line, replace the citation "Fed. R. Civ. P. 15(a)(1)(A)" with "Fed. R. Civ. P. 15(a)(2)."

IT IS SO ORDERED.

Dated: April 2, 2021, Honolulu, Hawaii.



---

Helen Gillmor  
Senior United States District Judge

Scott Lynn Ballering v. Morgan Stanley LLC; Morgan Stanley Smith Barney LLC; Morgan Stanley Bank NA; Morgan Stanley LLC; PHH Mortgage; James Gorman; Anika S. Jones; Joseph Miller; Leigh Thern; Susan Sykes; Daniel Krause; Kathleen Lang; Sue Cienkus; Justin Lippincott; Elizabeth Corley; Alistair Darling; Thomas H. Glocer; Robert H. Herz; Nobuyuki Hirano; Shelley B. Leibowitz; Stephen J. Luczo; Jami Miscik; Dennis M. Nally; Takeshi Ogasawara; Hutham S. Olayan; Mary L. Schapiro; Perry M. Traquina; Rayford Wilkins, Jr., 20-cv-00527 HG-KJM, Order Adopting Amended Findings and Recommendation, as Modified, to Dismiss the Complaint and Deny Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (ECF No. 15).